

BOARD OF CODE STANDARDS AND APPEALS MINUTES

March 2, 2009

Members: Francisco Banuelos, Randy Coonrod, Randy Harder, Richard Hartwell, Bernie Hentzen, Ed Murabito, Warren Willenberg, John Youle

Present: Coonrod, Banuelos, Hartwell, Hentzen, Murabito, Youle

Staff Members Present: Deb Legge, Penny Bohannon, Elaine Hammons (Central Inspection); Sharon Dickgrafe (Law Department)

The regular meeting of the Board of Code Standards and Appeals was called to order by Chairman Murabito on Monday, March 2, 2009, at 1:32 p.m. in the 1st floor Board Room, City Hall, 455 N. Main, Wichita, Kansas.

1. Approval of the February 2, 2009, minutes.

Board Member Coonrod made a motion to approve the February 2, 2009, minutes as submitted. Board Member Hentzen seconded the motion. The motion passed. (Board Member Hartwell was not present during this vote.)

Chairman Murabito requested that the Board Members and City Staff introduce themselves to the citizens in attendance.

2. Approval of the March 2009 license examination applications.

<u>Name</u>	<u>Class</u>	<u>Date</u>
Albert H. Murray III	Class D	March 2009

Board Member Hentzen made a motion to approve the application for testing. Board Member Banuelos seconded the motion. The motion was approved. (Board Member Hartwell was not present during this vote.)

3. Condemnation Hearings

New Cases

1. 1132 N. Cleveland

Juan Perez, owner, was present to represent this property.

A one- and one-half story frame dwelling about 26 x 46 feet in size, this structure has been vacant for at least 2 years. This structure has cracking concrete block basement walls; missing asphalt siding; badly worn composition roof; deteriorated front porch; rotted wood trim; and the 16 x 12 foot accessory structure is deteriorated.

The active file was started on this property on September 12, 2006. Since that time, numerous Notices of Improvement and violation notices have been issued. In January of 2009, Mr. Perez notified Central Inspection that he had signed a contract to purchase the property. A Pre-condemnation letter was issued August 1, 2008. The taxes are current; there is a pending special assessment for lot clean up in the amount of \$1272.98. The premises are currently being maintained. Permits for repairs have been issued and the roof has been repaired. On February 23, 2009, OCI staff was on site and Mr. Perez advised that he had ordered vinyl siding for the structure.

Mr. Perez has purchased other properties set for condemnation proceedings and has always been very cooperative, making every effort to get the properties into compliance.

Chairman Murabito inquired about the expected timeframe for completing the exterior of the property. Mr. Perez said he anticipated approximately thirty days for completion of the exterior.

Board Member Coonrod made a motion to allow sixty days for completion of the repairs, meanwhile, maintaining the site in a clean and secure condition. Should the repairs be complete before sixty days, there would be no need for Mr. Perez to reappear before the Board. Board Member Youle seconded the motion. The motion was approved.

2. 1248 N. Minnesota

There was no one in attendance to represent this property.

Approximately 24 x 34 feet in size, this one-story frame dwelling has been vacant for at least one year. This structure has a shifting and cracking concrete block foundation; missing asbestos siding shingles; badly worn composition roof, with missing shingles; cracked concrete front and rear porches; and the wood trim and framing members are rotted.

The active file was started on July 9, 2007. There is an active neighborhood nuisance enforcement case on this property, and the property has been the subject of neighborhood court hearings.

Board Member Coonrod made a motion to refer the property to the City Council with a recommendation of condemnation, with ten days to begin demolition and ten days to complete demolition. Board Member Hentzen seconded the motion. The motion passed unanimously.

3. 1348 N. Green

Edmund Brown, property owner, was present.

Vacant and open, this one-story frame dwelling is approximately 22 x 28 feet in size. This structure has shifting and cracking basement walls; rotted and missing wood lap siding; sagging and badly worn composition roof with holes; rotted wood trim; and the 12 x 20 foot accessory structure is deteriorated.

The active file was initiated on this file on May 5, 2007. A Notice of Improvement and numerous Notices of Violation have been issued; in July 2007, OCI staff was notified that ownership had changed. A Notice of Violation and a Pre-condemnation was issued to the new owner, but in October of 2007, OCI staff was advised that ownership had reverted to the previous owner, Edmond Brown. The taxes are current and there are no special assessments against the property. There is some bulky waste, tree waste, and scattered debris on the premises. Formal condemnation action was initiated on January 5, 2009. No repairs have been made. The detached garage is unsecure with an open window and an open overhead door. The owner currently has two properties in condemnation. Previously he has had three properties in condemnation; one was demolished by the City, one was demolished by the owner, and one was returned to regular code enforcement.

Chairman Murabito asked Mr. Brown what his plans were for the property. Mr. Brown said that he had a buyer for the property, and the buyer would probably repair the structure and rent it.

Board Member Coonrod made a motion to allow sixty days for the property to be sold. In the event that the property is not sold or brought into minimum code compliance within that timeframe, the property will be referred to the City Council with a recommendation of condemnation, with ten days to begin demolition and ten days to complete the razing. Board Member Hentzen seconded the motion. The motion carried.

4. 1716 N. Poplar

No one was present to represent this property.

Vacant for at least three years, this two-story frame dwelling is about 19 x 50 feet in size. This structure has cracking concrete block basement walls; and the vinyl siding is broken with missing pieces.

The active case was initiated on this property on July 15, 1991.

Vice Chairman Youle made a motion to send the property before the City Council, recommending condemnation, with ten days to start the wrecking and ten days to finish the demolition. Board Member Hentzen seconded the motion. The motion was approved.

5. 1722 N. Poplar

There was no representative for this property in attendance.

This is a one-story frame dwelling approximately 24 x 28 feet in size. Vacant for at least four years, this structure is boarded; has a cracking concrete block foundation; broken and missing asbestos siding shingles; deteriorating front and rear porches; wood trim and framing members are rotted and the 20 x 24 foot accessory structure is deteriorated.

Board Member Hartwell made a motion to send the property before the City Council with a recommendation of condemnation, with ten days to initiate demolition and ten days to complete the removal of the structure. Board Member Hentzen seconded the motion. The motion carried without opposition.

6. 1745 N. Chautauqua

No party attended as a representative of this property.

Vacant and open, this one story frame dwelling, about 33 x 38 feet in size, has a badly shifting and cracking block foundation; rotted and missing wood siding; badly worn composition roof; deteriorating rear porch; rotted and missing window trim; and the 6 x 8 foot metal accessory structure is dilapidated, with damaged siding and a partially collapsed roof.

Board Member Coonrod made a motion to refer the property to the City Council, recommending condemnation, with ten days to begin razing the structure and ten days to complete the wrecking. Board Member Hentzen seconded the motion. The motion was approved.

7. 1745 N. Erie

Leonard Wilkins, the owner was present to represent the property.

A one-story frame dwelling about 23 x 38 feet in size, this structure has been vacant for at least two years. The building has a severely shifting and caving concrete foundation; oxidized metal siding; badly worn composition roof and the front and rear porches are deteriorated, with cracked concrete.

On January 20, 2006, the active file was started on this property. Several notices were issued, and OCI was notified by the estate administrator that the property was in probate and there were no funds for repairs. In June of 2008 OCI staff completed an emergency board-up at the cost of \$207.23. A Pre-condemnation letter was issued on February 11, 2008. The 2007 taxes are delinquent in the amount of \$211.43; the 2008 taxes are due in the amount of \$400.38. There is a pending special assessment for weed mowing in the amount of \$114.99.

There are some doors and an appliance in the rear yard. Formal condemnation proceedings were initiated on January 5, 2009. Interior repairs are in progress, and a new window has been installed on the east side. The property is secure.

Chairman Murabito asked Mr. Wilkins to apprise the Board of his plan for the property.

Mr. Wilkins said that he received the clear title in August of 2008. He sold the property on February 7, 2009. The new owner is working on the structure and has paid the taxes. Mr. Wilkins brought photos of the property to show the progress on the repairs. The premise has been cleaned and the exterior has been painted.

Vice Chairman Youle asked if the exterior was completed. Mr. Wilkins replied that it was finished except for the foundation work. Ms. Legge suggested that the property could be returned to regular code enforcement.

Board Member Coonrod made a motion to return the property to regular code enforcement. Board Member Hentzen seconded the motion. The motion was approved.

8. 2048 N. Minneapolis

Mr. Harold Lugrand and Ms. Shirley Lugrand were present on behalf of this property.

A one-story frame dwelling, about 24 x 32 feet in size, this structure has been vacant for at least two years. The structure has cracked and missing asbestos siding shingles; composition roof, with missing shingles; deteriorating rear porch, with cracked concrete; and the soffit, fascia and wood trim are deteriorated.

The active file was initiated on this property on September 21, 2004. Since that time, a Notice of Improvement and numerous violations notices were issued. An emergency board-up was performed by OCI staff at the cost of \$208.25. A Pre-condemnation Letter was issued on May 15, 2008. The taxes are current. There is a 2008 Special Assessment for front street paving in the amount of \$106.07. There is a 2009 Special Assessment for weed cutting in the amount of \$106.07, and a pending special for weed cutting in the amount of \$114.99. There is debris, tree waste, and tall grass on the premise. There is a pending neglected building case on the property. No repairs have been made; however, the structure is secure.

Chairman Murabito requested that Mr. Lugrand and Ms. Lugrand explain their plan of action for this property.

Mr. Lugrand told the Board that he planned to repair the structure. Ms. Lugrand added that they both live out of state, and they had not received the notices that had been issued. They were unaware of the condition of the property until notified by a family member of the March hearing. She said that they would need time to get the repairs completed due to their work schedules and because they live out of state. Ms. Lugrand also noted that the local weather would affect the timeframe in which the repairs could be accomplished.

Chairman Murabito inquired about their proposed timeframe for making the required repairs. Ms. Lugrand asked what the maximum time would be that the Board would allow. Board Member Banuelos asked if the repairs could be made within ninety days. Ms. Lugrand said she hoped that ninety days would be sufficient time.

Board Member Banuelos made a motion to allow ninety days for the exterior repairs to be completed, maintaining the property in a secure and clean condition; in the event that the exterior repairs are not finished in ninety days, Mr. Lugrand and Ms. Lugrand would be required to reappear before the Board to give an update on the property. Vice Chairman Youle seconded the motion. The motion passed.

9. 936 N. Holyoke

The owner of the property, Edmond Brown, was in attendance.

Approximately 24 x 34 feet in size, this one-story frame dwelling has been vacant for at least one year. This structure has cracking, shifting, caving concrete block basement walls, with missing blocks; badly worn composition roof, with missing shingles; deteriorating front porch; rotted roof decking, wood trim and rafter tails; and the 14 x 16 foot accessory garage is dilapidated, with holes in the roof and is at risk of collapsing.

An improvement notice and two violation notices were sent; a Pre-condemnation letter was issued on April 22, 2008. The taxes are current, and there are no special assessments against the property. There are some piles of scrap wood and tall grass and weeds on the premises. No repairs have been made; however, the structure is secure.

Mr. Brown told the Board that he had a buyer for the property, and he expected to have the transaction completed within sixty days.

Board Member Coonrod made a motion to allow sixty days for the property to be sold. In the event that the property is not sold or brought into minimum code compliance within that timeframe, the property will be referred to the City Council with a recommendation of condemnation, with ten days to begin demolition and ten days to complete the razing. Board Member Hentzen seconded the motion. The motion carried.

10. 1673 S. Pinecrest

No representative attended on behalf of this property.

This property was removed from the condemnation list. A permit for the foundation repair was issued prior to the commencement of the March hearing.

11. 1632 S. Battin

No representative attended in behalf of this property.

This property was removed from the condemnation list. A permit for the foundation repair was issued prior to the commencement of the March hearing.

12. 1942 S. Washington

There was no party present as a representative for this property.

A one-story frame dwelling about 30 x 32 feet in size, the building has been vacant for at least three years. This structure has a badly worn composition roof, with missing shingles; deteriorated 24 x 24 foot accessory structure; and the second 16 x 20 foot accessory structure is dilapidated and unsecure.

Board Member Hartwell made a motion to send the property to the City Council with a recommendation of condemnation, with ten days to begin demolition and ten days to complete the removal. Vice Chairman Youle seconded the motion. The motion was unanimously approved.

With no other business to conduct, Board Member Hartwell made a motion to adjourn the meeting. Vice Chairman Youle seconded the motion. The motion was approved.

The meeting adjourned at 1:58 p.m.